

# Calendar No. 283

117TH CONGRESS  
2D SESSION

# S. 3035

[Report No. 117-82]

To establish the Artificial Intelligence Hygiene Working Group, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. PETERS (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 28, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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# A BILL

To establish the Artificial Intelligence Hygiene Working Group, and for other purposes.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

1   **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Government Owner-  
3   ship and Oversight of Data in Artificial Intelligence Act  
4   of 2021” or the “GOOD AI Act of 2021”.

5   **SEC. 2. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL  
6                    INTELLIGENCE IN GOVERNMENT.**

7       (a) **DEFINITIONS.**—In this Act:

8              (1) **AGENCY.**—The term “agency” has the  
9   meaning given the term in section 3502 of title 44,  
10   United States Code.

11             (2) **APPROPRIATE CONGRESSIONAL COMMIT-  
12            TEES.**—The term “appropriate congressional com-  
13   mittees” means—

14               (A) the Committee on Homeland Security  
15   and Governmental Affairs of the Senate; and  
16               (B) the Committee on Oversight and Re-  
17   form of the House of Representatives.

18             (3) **ARTIFICIAL INTELLIGENCE.**—The term “ar-  
19   tificial intelligence” has the meaning given the term  
20   in section 238(g) of the John S. McCain National  
21   Defense Authorization Act for Fiscal Year 2019 (10  
22   U.S.C. 2358 note).

23             (4) **ARTIFICIAL INTELLIGENCE SYSTEM.**—The  
24   term “artificial intelligence system”—

25               (A) means any data system, software, ap-  
26   plication, tool, or utility that operates in whole

1           or in part using dynamic or static machine  
2           learning algorithms or other forms of artificial  
3           intelligence, including a data system, software,  
4           application, tool, or utility—

5                 (i) that is established primarily for  
6                 the purpose of researching, developing, or  
7                 implementing artificial intelligence tech-  
8                 nology; and

9                 (ii) for which the artificial intelligence  
10                capability is integrated into another system  
11                or agency business process, operational ac-  
12                tivity, or technology system; and

13                 (B) does not include any common or com-  
14                mercial product within which artificial intel-  
15                ligence is embedded, such as a word processor  
16                or map navigation system.

17                 (5) DIRECTOR.—The term “Director” means  
18                the Director of the Office of Management and Budg-  
19                et.

20                 (6) GUIDANCE FOR AGENCY USE OF ARTIFICIAL IN-  
21                TELLIGENCE.—

22                 (1) IN GENERAL.—In developing an update  
23                under section 104(d) of the AI in Government Act  
24                of 2020 (40 U.S.C. 11301 note) to the memo-

1           random issued under subsection (a) of that section,  
2           the Director shall consider—

3                 (A) the considerations and recommended  
4                 practices identified by the National Security  
5                 Commission on Artificial Intelligence in the re-  
6                 port entitled “Key Considerations for Respon-  
7                 sible Development and Fielding of AI”, as up-  
8                 dated in April 2021;

9                 (B) the principles articulated in Executive  
10                 Order 13960 (85 Fed. Reg. 78939, relating to  
11                 promoting the use of trustworthy artificial intel-  
12                 ligence in the Federal Government); and

13                 (C) the input of—

14                         (i) the Privacy and Civil Liberties  
15                         Oversight Board;

16                         (ii) relevant interagency councils, such  
17                         as the Federal Privacy Council, the Chief  
18                         Information Officers Council, and the  
19                         Chief Data Officers Council;

20                         (iii) other governmental and non-  
21                         governmental privacy, civil rights, and civil  
22                         liberties experts; and

23                         (iv) any other individual or entity the  
24                         Director determines appropriate.

1                   (2) SUNSET.—This subsection shall cease to  
2 have force or effect on the date that is 4 years after  
3 the date of enactment of this Act.

4                   (e) ARTIFICIAL INTELLIGENCE HYGIENE AND PRO-  
5 TECTION OF GOVERNMENT INFORMATION, PRIVACY,  
6 CIVIL RIGHTS, AND CIVIL LIBERTIES.—

7                   (1) ESTABLISHMENT.—Not later than 45 days  
8 after the date of enactment of this Act, the Director  
9 shall establish a working group to be known as the  
10 “Artificial Intelligence Hygiene Working Group”.

11                  (2) MEMBERSHIP.—The Director shall appoint  
12 members to the Artificial Intelligence Hygiene Work-  
13 ing Group from among members of appropriate  
14 interagency councils.

15                  (3) IMPLEMENTATION.—Not later than 1 year  
16 after the date of enactment of this Act, the Director,  
17 in consultation with the Artificial Intelligence Hy-  
18 giene Working Group, shall implement a means by  
19 which to—

20                   (A) ensure that contracts for the acquisi-  
21 tion of artificial intelligence and artificial intel-  
22 ligence systems—

23                   (i) align with the memorandum  
24 issued, and periodically updated, by the  
25 Director under subsections (a) and (d), re-

1                   spectively, of section 104 of the AI in Gov-  
2                   ernment Act of 2020 (40 U.S.C. 11301  
3                   note);

4                   (ii) address the protection of privacy,  
5                   civil rights, and civil liberties;

6                   (iii) address the ownership and secu-  
7                   rity of data and other information created,  
8                   used, processed, stored, maintained, dis-  
9                   seminated, disclosed, or disposed of by a  
10                  contractor or subcontractor on behalf of  
11                  the Federal Government; and

12                  (iv) include requirements for securing  
13                  the training data, algorithms, and other  
14                  components of any artificial intelligence  
15                  system against—

16                  (I) misuse;

17                  (II) unauthorized alteration;

18                  (III) degradation; or

19                  (IV) being rendered inoperable;

20                  and

21                  (B) address any other issue or concern the  
22                  Director determines relevant to ensure—

23                  (i) the appropriate use of artificial in-  
24                  telligence and artificial intelligence sys-  
25                  tems; and

1                             (ii) the protection of privacy, Federal  
2                             Government data, and other information of  
3                             the Federal Government.

4                             (4) UPDATES.—On a continuous basis, not  
5                             later than 2 years after the date of enactment of  
6                             this Act, and not less frequently than once every 2  
7                             years thereafter, the Director shall update the  
8                             means implemented under paragraph (3).

9                             (5) BRIEFING.—Not later than 90 days after  
10                             the date of enactment of this Act, quarterly there-  
11                             after until the date on which the Director imple-  
12                             ments the means required under paragraph (3), and  
13                             annually thereafter, the Director shall brief the ap-  
14                             propriate congressional committees on the implemen-  
15                             tation of this subsection.

16                             (6) SUNSET.—This subsection shall cease to  
17                             have force or effect on the date that is 10 years  
18                             after the date of enactment of this Act.

19                             **SECTION 1. SHORT TITLE.**

20                             *This Act may be cited as the “Government Ownership*  
21                             *and Oversight of Data in Artificial Intelligence Act of*  
22                             *2021” or the “GOOD AI Act of 2021”.*

23                             **SEC. 2. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL**  
24                             **INTELLIGENCE IN GOVERNMENT.**

25                             (a) *DEFINITIONS.—In this Act:*

1                   (1) *AGENCY.*—The term “agency” has the mean-  
2                   ing given the term in section 3502 of title 44, United  
3                   States Code.

4                   (2) *APPROPRIATE CONGRESSIONAL COMMIT-  
5                   TEES.*—The term “appropriate congressional commit-  
6                   tees” means—

7                         (A) *the Committee on Homeland Security  
8                         and Governmental Affairs of the Senate; and*  
9                         (B) *the Committee on Oversight and Reform  
10                         of the House of Representatives.*

11                   (3) *ARTIFICIAL INTELLIGENCE.*—The term “arti-  
12                   ficial intelligence” has the meaning given the term in  
13                   section 238(g) of the John S. McCain National De-  
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20                         or in part using dynamic or static machine  
21                         learning algorithms or other forms of artificial  
22                         intelligence, including a data system, software,  
23                         application, tool, or utility—*

24                         (i) *that is established primarily for the  
25                         purpose of researching, developing, or im-*

1                   *plementing artificial intelligence technology;*  
2                   *and*

3                   *(ii) for which the artificial intelligence*  
4                   *capability is integrated into another system*  
5                   *or agency business process, operational ac-*  
6                   *tivity, or technology system; and*

7                   *(B) does not include any common or com-*  
8                   *mercial product within which artificial intel-*  
9                   *ligence is embedded, such as a word processor or*  
10                  *map navigation system.*

11                  *(5) DIRECTOR.—The term “Director” means the*  
12                  *Director of the Office of Management and Budget.*

13                  *(b) GUIDANCE FOR AGENCY USE OF ARTIFICIAL IN-*  
14                  *TELLIGENCE.—*

15                  *(1) IN GENERAL.—In developing an update*  
16                  *under section 104(d) of the AI in Government Act of*  
17                  *2020 (40 U.S.C. 11301 note) to the memorandum*  
18                  *issued under subsection (a) of that section, the Direc-*  
19                  *tor shall consider—*

20                  *(A) the considerations and recommended*  
21                  *practices identified by the National Security*  
22                  *Commission on Artificial Intelligence in the re-*  
23                  *port entitled “Key Considerations for Respon-*  
24                  *sible Development and Fielding of AI”, as up-*  
25                  *dated in April 2021;*

1                   (B) the principles articulated in Executive  
2                   Order 13960 (85 Fed. Reg. 78939; relating to  
3                   promoting the use of trustworthy artificial intel-  
4                   ligence in the Federal Government); and

5                   (C) the input of—

6                         (i) the Privacy and Civil Liberties  
7                   Oversight Board;

8                         (ii) relevant interagency councils, such  
9                   as the Federal Privacy Council, the Chief  
10                  Information Officers Council, and the Chief  
11                  Data Officers Council;

12                  (iii) other governmental and non-  
13                  governmental privacy, civil rights, and civil  
14                  liberties experts; and

15                  (iv) any other individual or entity the  
16                  Director determines appropriate.

17                  (2) SUNSET.—This subsection shall cease to have  
18                  force or effect on the date that is 4 years after the date  
19                  of enactment of this Act.

20                  (c) ARTIFICIAL INTELLIGENCE HYGIENE AND PROTEC-  
21                  TION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL  
22                  RIGHTS, AND CIVIL LIBERTIES.—

23                  (1) ESTABLISHMENT.—Not later than 45 days  
24                  after the date of enactment of this Act, the Director

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4       members to the Artificial Intelligence Hygiene Work-  
5       ing Group from among members of appropriate inter-  
6       agency councils.

7                     (3) *IMPLEMENTATION.*—Not later than 1 year  
8       after the date of enactment of this Act, the Director,  
9       in consultation with the Artificial Intelligence Hy-  
10       giene Working Group, shall implement a means by  
11       which to—

12                     (A) ensure that contracts for the acquisition  
13       of artificial intelligence and artificial intel-  
14       ligence systems—

15                     (i) align with the memorandum issued,  
16       and periodically updated, by the Director  
17       under subsections (a) and (d), respectively,  
18       of section 104 of the AI in Government Act  
19       of 2020 (40 U.S.C. 11301 note);

20                     (ii) address the protection of privacy,  
21       civil rights, and civil liberties;

22                     (iii) address the ownership and secu-  
23       rity of data and other information created,  
24       used, processed, stored, maintained, dissemi-  
25       nated, disclosed, or disposed of by a con-

1           *tractor or subcontractor on behalf of the*  
2           *Federal Government; and*

3                 *(iv) address requirements for securing*  
4                 *the training data, algorithms, and other*  
5                 *components of any artificial intelligence*  
6                 *system against—*

7                     *(I) misuse;*  
8                     *(II) unauthorized alteration;*  
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10                  *(IV) being rendered inoperable;*  
11                  *and*

12                 *(B) address any other issue or concern the*  
13                 *Director determines relevant to ensure—*

14                     *(i) the appropriate use of artificial in-*  
15                 *telligence and artificial intelligence systems;*  
16                  *and*

17                     *(ii) the protection of privacy, Federal*  
18                 *Government data, and other information of*  
19                 *the Federal Government.*

20                 *(4) APPROACHES.—In carrying out paragraph*  
21                 *(3), the Director may use 1 or more approach and*  
22                 *tailor requirements based on risk or any other factor*  
23                 *determined relevant by the Director and the Artificial*  
24                 *Intelligence Hygiene Working Group.*

1                   (5) *UPDATES.*—On a continuous basis, not later  
2                   than 2 years after the date of enactment of this Act,  
3                   and not less frequently than once every 2 years there-  
4                   after, the Director shall update the means imple-  
5                   mented under paragraph (3).

6                   (6) *BRIEFING.*—Not later than 90 days after the  
7                   date of enactment of this Act, quarterly thereafter  
8                   until the date on which the Director implements the  
9                   means required under paragraph (3), and annually  
10                  thereafter, the Director shall brief the appropriate  
11                  congressional committees on the implementation of  
12                  this subsection.

13                  (7) *SUNSET.*—This subsection shall cease to have  
14                  force or effect on the date that is 10 years after the  
15                  date of enactment of this Act.

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